

REMARKS

Claims 1, 2 and 6-12 are pending in this application. By this Amendment, claim 1 is amended and new claims 11 and 12 are presented. Claim 1 is amended to incorporate the subject matter of claim 3. New claims 11 and 12 recite subject matter corresponding to canceled claims 4 and 5. Support for the amendments to the claims may be found, for example, in the original claims as filed, in Figs. 1 and 2, and in the corresponding portions of the specification. No new matter is added. Claim 3 is canceled without prejudice to, or disclaimer of, the subject matter recited therein. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-3 and 6-10 under 35 U.S.C. §112, first paragraph, as allegedly not enabled. This rejection is respectfully traversed for at least the following reasons.

The Office Action asserts that Applicant has not described how E is determined such that one having ordinary skill in the art would be able to determine if they were infringing on the claim. The Office Action further asserts that claims 1-3 and 6-10 are not enabled solely based on the Applicant's disclosed statement that "E is determined experimentally since it depends on many parameters." These assertions are incorrect. Whether one having ordinary skill in the art would be able to determine if they were infringing on a claim is irrelevant to a determination of non-enablement, as set forth in MPEP §2164. Further, the mere facts that a parameter is experimentally determined and/or based on many parameters does not necessarily lead to the inference that such property may only be determined by undue experimentation. The fact that the Applicants have derived an optimal range of E experimentally based on many parameters only speaks to the novelty of the claimed subject matter. One having ordinary skill in the art would be able to make and use the claimed subject matter with routine experimentation.

Further, the Office Action, fails to provide any technical basis for concluding how one having ordinary skill in the art would have interpreted the specification of the present application. Also, the Office Action directly contradicts its conclusion of non-enablement by asserting, on page 4, that one having ordinary skill in the art would appreciate that because creases would not be desirable, a minimum distance between the septum and honeycomb would be desired and would use the appropriate number of septum sections to ensure this. Thus, the subject matter recited in claims 1, 2 and 6-10 cannot be considered non-enabled.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §101, first paragraph, are respectfully requested.

The Office Action rejects claims 1-3 and 6-10 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Office Action asserts that the last paragraph of claim 1 is unclear. By this Amendment, claim 1 is amended to obviate this rejection. The subject matter that the Office Action points to as indefinite is added in claim 11, and is further revised to obviate the concerns raised in this rejection.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claims 1-3 and 7-10 under 35 U.S.C. §103(a) over U.S. Patent No. 6,203,656 to Syed in view of U.S. Patent No. 4,534,813 to Williamson et al. (hereinafter "Williamson") and U.S. Patent No. 5,073,457 to Blackwell; and rejects claims 1 and 4-6 under 35 U.S.C. §103(a) over AAPA in view of Syed, Williamson and Blackwell. These rejections are respectfully traversed.

First, the Office Action fails to address where the recited "wherein the maximum error E is a maximal distance between the developable surface and the final shape of the septum and the maximal error E is between 2 mm and 2.5 mm" of canceled claim 3, which is now

incorporated into claim 1, is disclosed in the references. In fact, none of the applied references teach, or would have suggested, this feature.

Syed is directed to a method of forming an acoustic panel by placing an adhesive septum between a pair of honeycomb cores and curing the septum to integrally bond the cores thereto. However, Syed fails to recognize any parameter which may reasonably be considered to correspond to the recited "E." Thus, Syed cannot reasonably be considered to teach, or to have suggested, an acoustic panel having a maximum value E within the range recited in claim 1. Further, Williamson and Blackwell fail to remedy this deficiency in Syed.

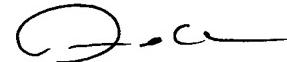
For at least the above reasons, the applied references do not disclose, and would not have suggested, the combination of all the features recited in independent claim 1. Further, claims 2 and 6-10, which depend from claim 1, are also neither taught, nor would they have been suggested, by the applied references for at least the reasons discussed above, as well as for the additional features they recite.

Added claims 11 and 12 are also allowable to the extent that claim 1 from which they depend, is allowable and additionally for the separately patentable subject matter that those claims recite.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 6-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Jesse D. Sukman
Registration No. 54,477

WPB:JDS/sld

Date: April 24, 2009

Attachment:

Petition for Extension of Time

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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